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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/813,414      | 03/21/2001  | Glen G. Amatucci     | APP 1370-US         | 2400             |

7590

04/14/2003

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| EXAMINER |
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MERCADO, JULIAN A

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

1745

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DATE MAILED: 04/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AG9

# Office Action Summary

Application No.

09/813,414

Applicant(s)

AMATUCCI ET AL.

Examiner

Julian A. Mercado

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Bergum (U.S. Pat. 3,770,504).

Regarding independent claim 1, Bergum teaches an electrochemical energy storage system comprising an electrical series arrangement of a plurality of individual electrochemical cells [A, B, C, D], wherein each cell, e.g. cell [A] comprises a pair of electrode members [20a] and [30a] of opposite polarity with a separator [40a] interposed therebetween. (Figure 2, col. 3 line 66 et seq.) Electrode [30a] of cell [A] is adjacent the electrode [20b] of cell [B] with an electrically conductive divider [40a] interposed contiguously therebetween. (col. 4 line 30-35) The divider members [50a, 50b, 50c] are affixed via adhesive material [100] to the casing. (col. 3 line 59-64) Each divider ionically isolates each cell [A,B,C,D] from another in that the divider is “electrolyte impervious”. (col. 3 line 52-53) The plurality of cells are enveloped within electrically insulating casing [80, 90] such as thermoplastic PVC. (col. 4 line 58 et seq.)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 5 and 6 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Bergum.

The teachings of Bergum are discussed above.

As to a means for communicating electrically between at least one electrode member and the exterior of the casing material, Bergum teaches conductive carbon particles "so thoroughly impregnated" within the casing so "as to exhibit a low resistance to the flow of current from one face to the opposite face thereof". (col. 5 line 2-5, applies to claim 2) The disclosed carbon particles are considered to anticipate the claimed "means for communicating electrically" while in the alternative, the disclosed means by Bergum are obvious substitutes for communicating electrically across the two opposing faces of the casing thickness.

As discussed above under the 35 U.S.C. 102(b) discussion, either the thermoplastic PVC or the adhesive material [100] is considered to anticipate the claimed "means for electrically insulating said divider member from said conductive casing material" (claim 5) or the claimed "means for providing electrical insulation" (claim 6), while in the alternative, the disclosed means by Bergum are obvious substitutes for electrically insulating between two adjoining members. (applies to claims 5 and 6) Additionally, it is noted that with respect to claim 6,

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Bergum teaches that the casing [80] is in circuit or mutual contact with positive electrode [20a] while casing [90] is in circuit with negative electrode [30d]. (Figure 2)

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergum as applied to claims 1, 2, 5 and 6 above, in view of Waki et al. (U.S. Pat. 4,623,598)

The teachings of Bergum are discussed above.

Bergum does not explicitly teach openings in the casing material through which the electrode or contact member may be accessed. However, Waki teaches openings [2, 3] in a battery's casing material through which the electrodes may be accessed by way of electrically contacting respective contact members [5, 6]. (col. 4 line 4-11) Thus, the skilled artisan would find obvious to modify Bergum's invention by employing the instant openings for reasons such as facilitating access to the positive and negative terminals or electrodes of a battery from one surface.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian A. Mercado whose telephone number is (703) 305-0511. The examiner can normally be reached on Monday through Friday.

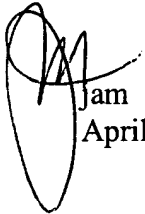
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan, can be reached on (703) 308-2383. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

A handwritten signature in black ink, appearing to be "Jam", written over the typed name and date.

Jam

April 8, 2003

A small handwritten signature in black ink, appearing to be "Patrick Ryan", written above the typed name and title.

Patrick Ryan  
Supervisory Patent Examiner  
Technology Center 1700